H0001181 (02158.006600)   <u>PATENT APPLICATION</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
:	Examiner: D. Tran
DAVID B. DWYER, ET AL.)	
:	Group Art Unit: 3661
Application No.: 09/680,280)	
:	
Filed: October 6, 2000)	
:	
For: SYSTEM AND METHOD FOR)	December 22, 2004
TEXTUALLY DISPLAYING AN :	
ORIGINAL FLIGHT PLAN AND A)	
MODIFIED FLIGHT PLAN :	
SIMULTANEOUSLY)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

Appellants respectfully appeal from the Primary Examiner's final Office

Action dated July 27, 2004, rejecting each pending claim, namely, Claims 1-51. In support of

this appeal, and pursuant to 37 C.F.R. §1.192 and M.P.E.P. §1206, Appellants submit this Brief

in triplicate.

As required, Appellants are filing three copies of the Brief together with a

check for $500.00, the fee required under 37 C.F.R. §1.17(c). Any additional required fees may

be deducted from Deposit Account No. 06-1205.

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I. REAL PARTY IN INTEREST

The real party in interest is Honeywell International Inc., Assignee of the full and exclusive right for the territory of the United States of America in and to the invention described and claimed in the present application. The Assignment, executed January 31, 2001, is recorded in the U.S. Patent and Trademark Office at Reel 011598, Frame 0719.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative, and the Assignee are not aware of any other appeals or interferences which will directly affect, be directly affected by, or have a bearing on, the Board's decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1-51 are pending in the application, and all of the claims are finally rejected. Claims 1, 11, 18, 28, 38 and 39 are independent. Appellants are appealing the rejection of claims 1-51

The full text of each appended claim appears in Appendix A.

IV. STATUS OF AMENDMENTS

A Second Request for Reconsideration (Request) was filed on August 27, 2004, in response to a final Office Action mailed July 27, 2004. An Advisory Action was issued September 13, 2004, indicating that the Second Request did not place the application in condition for allowance because the references still read on the [claimed] invention.

V. SUMMARY OF THE INVENTION

One aspect of the invention relates to a navigational system for providing flight plan information, both original and modified, to a user in an efficient and easy to understand manner.

In representative claim 1, a display device 400 includes a graphical display portion 402 (Figures 4-7; page 11, line 18 through page 16, line 10) and a textual display portion 404 (Figures 4-7; page 11, line 18 through page 16, line 10). The display portions 402 and 404 are operated by logic to display flight plan information both graphically and textually. (Figures 9-11; page 16, line 11, et seq.)

In operating the display portions, the logic is capable of presenting a textual display of an original flight plan and a modified flight plan in the textual display portion 404 (Figure 7; page 14, lines 1-12) while simultaneously presenting a graphical display of the original flight plan 418 in the graphical display portion 402 (Figure 7; page 14, lines 1-3).

As recited in dependent claim 8, for example, both the original flight plan 418 and a modified flight plan 408 can be presented on the graphical display (Figure 7; page 14, lines 1-3).

With respect to the other independent claims, claim 11 relates to a navigational system that corresponds to claim 1 but is set forth in means plus function format, e.g., display means and logic means, and claims 18 and 28 relate to a method of displaying a flight of a navigational system and a computer executable code for implementing such a method, respectively, and correspond to claim 1. Claim 38 relates to a navigational system that includes a flight control system 312 and a CPU 302 (Figure 3; page 10, line 19 through page 11, line 17), as well as a display device and logic.

In another aspect of the invention, claim 39 relates to a navigational system having a display and logic as in claim 1. In claim 39, however, the logic presents a textual display of comparative data for an original flight plan and a modified plan in the textual display portion (Figure 7; page 14, lines 13-22), while simultaneously presenting a graphical display of the original flight plan in the graphical display portion.

VI. ISSUES

The issues presented in this appeal are:

a.   Whether claims 1-5, 8, 9, 11-15, 18-32, 35, 36, 38-42, 45, 46 and 48-51 are unpatentable under 35 U.S.C. §102(e) over U.S. Patent No. 6,181,987, to Deker, et al. (Deker)

b.   Whether claims 6, 7, 10, 16, 17, 33, 34, 37, 43, 44 and 47 are unpatentable over 35 U.S.C. §103(a) over Deker in view of U.S. Patent No. 4,086,632, to Lions (Lions)

VII. GROUPING OF CLAIMS

Claims 1-38 and 48-51 stand or fall together. Claims 39-47 stand or fall together.

VIII. ARGUMENT

A.   Claims 1-5, 8, 9, 11-15, 18-32, 35, 36, 38-42, 45 and 48-51 stand finally rejected under 35 U.S.C. §102(e) in view of Deker.

1.   Independent claims 1, 11, 18, 28 and 38 are patentable over the applied art.

Representative claim 1 relates to a navigational system comprised of a display device that includes a graphical display portion and a textual display portion, and logic for controlling the display device. As claimed, the logic presents a textual display of an original flight plan and a modified flight plan in the textual display portion while simultaneously presenting a graphical display of the original flight plan in the graphical display portion.

The Deker patent relates to a navigation system provided with a display screen 11 that can be divided into a graphical display portion 27 and a textual display portion 28. The system is capable of providing alternate flight plan solutions to a pilot in response to an emergency or "unexpected event" (column 1, lines 9-17). It is acknowledged that Deker shows a display with both graphic and textual information. What Deker fails to teach or suggest, however, is presenting a textual display of an original flight plan and a modified flight plan while simultaneously presenting a graphical display of the original flight plan.

In the final Office Action of July 27, 2004, Deker was relied upon for teaching that the textual window 28 provides a number of parameters of the flight plan followed by the aerodyne, as well as a diversion flight plan (citing column 4, lines 36-64), and it was asserted that it was obvious that the parameters relate to a flight plan themselves. It is Appellants' position, however, that while the parameters may "relate" to the flight plan they do not constitute the actual flight plan. As disclosed in this portion of Deker, the parameters relate to, for example, the distance still to be traveled, the amount of time required, the volume of fuel remaining at the destination, etc. Providing the "parameters" in the textual display does not

provide a sufficient teaching or suggestion of presenting the original flight plan and the modified

flight plan in a textual display, as set forth in Appellants' claim 1.

The Office Action also relies on column 5, lines 15-35 of <u>Deker</u> for

allegedly teaching that a display screen 21 presents the textual display of the original flight plan

and the modified flight plan while simultaneously presenting a graphical display of the original

flight plan. It is respectfully submitted, however, that this is not what <u>Deker</u> teaches. As

understood, beginning on line 28 of column 5, it is disclosed that a computer 2 determines

various flight plan solutions and prepares various flight plans leading to each airport, taking into

account the criteria of selection and optimization indicated on the textual part of the screen. This

portion of <u>Deker</u> is not read to say that an original flight plan and a modified flight plan are

textually displayed, but rather that "criteria of selection" and "optimization" are "indicated" in the

"textual part 28" (see lines 35-38).

In column 7, lines 19-38, <u>Deker</u> discloses that the textual display 28

provides "significant parameters" (line 36) enabling the active flight plan to be compared with

the diversion flight plan, and in column 8, lines 7-19, <u>Deker</u> discloses providing information in a

textual window, including parameters of the active flight plan and the avoidance flight plan. In

both instances, however, it is again respectfully submitted that only parameters of the flight plan

are understood to be provided in the textual window, and these parameters do not constitute an

actual active flight plan and an avoidance flight plan.

Accordingly, it is respectfully submitted that <u>Deker</u> does not teach or

suggest providing a textual display of an original flight plan and a modified flight plan while, at

the same time, graphically displaying the original flight plan as set forth in Appellants' claimed

invention. While it is acknowledged that <u>Deker</u> displays flight plan information, both graphically

and textually, it does not provide the information in a way that allows the user to easily read and compare the flight plans. As read by Appellants, the only disclosure of Deker of textually displaying an active flight plan and an alternative flight plan together is in the full screen display of comparative table 32 (see Figure 2). This table is accessed when the pilot presses the button COMPARE FLPN (see column 6, line 66 through column 7, line 6). And since comparative table 32 is a full screen display, the flight plan cannot be graphically displayed while the comparative table is displayed. In claim 1 of Appellant's invention, on the other hand, all of this information is presented together. Deker simply does not have the capability to do this.

Independent claim 11 relates to a navigational system that includes, among other features, logic means for simultaneously, textually displaying an original flight plan and a modified flight plan in a textual portion while the original flight plan is graphically displayed.

Claim 18 relates to a method of displaying a flight plan and includes the steps of simultaneously displaying the textual display of an original flight plan and a modified flight plan in a textual display portion while the original flight plan is graphically displayed.

Claim 28 relates to a computer executable code for executing the step of simultaneously displaying a textual display of an original flight plan and a modified flight plan while graphically displaying the original flight plan.

Claim 38 relates to a navigational system that includes logic to simultaneously present a textual display of an original flight plan and a modified flight plan on a display device while graphically displaying the original flight plan.

Claims 11, 18, 28 and 38 are submitted to be patentable over the cited art to Deker for at least the same reasons discussed above with respect to claim 1.

Accordingly, reconsideration and withdrawal of the rejection of independent claims 1, 11, 18, 28 and 38 under 35 U.S.C. §102(e) is respectfully requested.

2.   Independent claim 39 is patentable over the applied art.

Claim 39 of Appellants' invention relates to a navigational system that includes logic for simultaneously presenting a textual display of comparative data for an original flight plan and a modified flight plan on the display device while the original flight plan is graphically displayed.

The Deker patent is thoroughly discussed above, and Appellants respectfully submit that Deker fails to teach or suggest providing logic that simultaneously displays a textual display of comparative data for an original flight plan and a modified flight plan on the display device while the original flight plan is graphically displayed. As discussed above, the only time comparative data for two flight plans is displayed together in Deker is when the full screen comparative table 32 is displayed, and this necessarily prevents any graphical display of the flight plans. Therefore, reconsideration and withdrawal of the rejection of claim 39 under 35 U.S.C. §102(e) is respectfully requested.

B.   Claims 6, 7, 10, 16, 17, 33, 34, 37, 43, 44 and 47 are finally rejected under 35 U.S.C. §103 over Deker in view of Lions.

1.   The above-identified dependent claims are patentable over the cited art.

The secondary citation to Lions relates to a navigation system and was cited for its teaching of removing textual display waypoints on the original flight plan. Lions
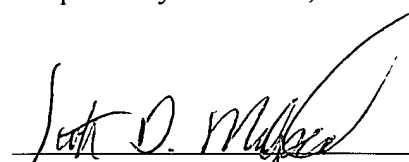
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fails, however, to compensate for the deficiencies in <u>Deker</u> as discussed above with respect to Appellants' independent claims. Therefore, it is submitted that the proposed combination of <u>Deker</u> and <u>Lions</u>, even if proper, still fails to teach or suggest Appellants' claimed invention. Thus, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103 is respectfully requested.

IX. CONCLUSION

In conclusion, independent claims 1, 11, 18, 28, 38 and 39 are not anticipated under 35 U.S.C. §102(e) or rendered obvious under 35 U.S.C. §103 in view of the cited art. Accordingly, the Board is respectfully requested to reverse the outstanding rejections of the claims under 35 U.S.C. §102 and §103.

Appellants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to Honeywell's address given below.

Respectfully submitted,

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APPENDIX A

1.   (Previously Presented) A navigational system, comprising:

a display device that includes a graphical display portion and a textual display portion; and

logic for operating the graphical display portion and the textual display portion of said display device, said logic presenting a textual display of an original flight plan and a modified flight plan in the textual display portion while simultaneously presenting a graphical display of the original flight plan in the graphical display portion.

2.   (Previously Presented) A navigational system according to Claim 1, wherein the textual display presented by said logic comprises a text list of waypoints that are on the original flight plan and the modified flight plan, and performance data for common waypoints that are on both the original flight plan and the modified flight plan.

3.   (Previously Presented) A navigational system according to Claim 2, wherein the textual display presented by said logic further comprises performance data for waypoints that are added to the modified flight plan.

4.   (Original) A navigational system according to Claim 2, wherein the performance data for each common waypoint comprises performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan.

5.   (Previously Presented) A navigational system according to Claim 4, further comprising:

an interface device that allows an operator to change the modified flight plan, wherein said logic updates the textlist of waypoints on the textual display when the modified flight plan is changed, and

wherein said logic updates the performance data on the textual display for common waypoints when the modified flight plan is changed.

6.   (Previously Presented) A navigational system according to Claim 5, wherein said logic designates on the textual display waypoints to be removed, which correspond to waypoints that are on the original flight plan but not on the modified flight plan.

7.   (Previously Presented) A navigational system according to Claim 6, wherein, when the modified flight plan is activated to become a new original flight plan, said logic removes from the textual display the waypoints that are designated to be removed.

8.   (Previously Presented) A navigational system according to Claim 1, wherein a graphical display of the original flight plan and the modified flight plan is

simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan.

9.   (Previously Presented) A navigational system according to Claim 5, wherein a graphical display of the original flight plan and the modified flight plan is simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said interface device allows an operator to change the modified flight plan on either the textual display or the graphical display, and

wherein the graphical display of the modified flight plan is updated when the modified flight plan is changed.

10.   (Previously Presented) A navigational system according to Claim 7, wherein a graphical display of the original flight plan and the modified flight plan is simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said interface device allows an operator to change the modified flight plan on either the textual display or the graphical display,

wherein the graphical display of the modified flight plan is updated when the modified flight plan is changed, and

wherein, when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan.

11.   (Previously Presented) A navigational system, comprising;

display means that includes a graphical display portion and a textual

display portion; and

logic means for operating the graphical display portion and the textual

display portion of said display device, with said logic means textually displaying an original

flight plan and a modified flight plan in the textual display portion while simultaneously

presenting a graphical display of the original flight plan in the graphical display portion.

12.   (Previously Presented) A navigational system according to Claim 11,

wherein the textual display presented by said logic means comprises a textlist of waypoints that

are on the original flight plan and the modified flight plan, and performance data for common

waypoints that are on both the original flight plan and the modified flight plan.

13.   (Previously Presented) A navigational system according to Claim 12,

wherein the textual display presented by said logic means further comprises performance data for

waypoints that are added to the modified flight plan.

14.   (Original) A navigational system according to Claim 12, wherein the

performance data for each common waypoint comprises performance data for the waypoint on

the original flight plan and for the waypoint on the modified flight plan.

15.   (Previously Presented) A navigational system according to Claim 14,

further comprising:

interface means that allows an operator to change the modified flight plan, wherein said logic means updates the textlist of waypoints on the textual display when the modified flight plan is changed, and

wherein said logic means updates the performance data on the textual display for common waypoints when the modified flight plan is changed.

16.   (Previously Presented) A navigational system according to Claim 15, wherein said logic means designates on the textual display waypoints to be removed, which correspond to waypoints that are on the original flight plan but not on the modified flight plan.

17.   (Previously Presented) A navigational system according to Claim 16, wherein, when the modified flight plan is activated to become a new flight plan, said logic means removes from the textual display the waypoints that are designated to be removed.

18.   (Previously Presented) A method of displaying a flight plan of a navigational system, comprising the steps of:

providing a display device that includes a graphical display portion and a textual display portion; and

displaying a textual display of an original flight plan and a modified flight plan in the textual display portion while simultaneously displaying a graphical display of the original flight plan in the graphical display portion.

19. (Previously Presented) A method according to Claim 18, wherein the textual display displayed in said displaying step comprises a textlist of waypoints that are on the original flight plan and the modified flight plan, and performance data for common waypoints that are on both the original flight plan and the modified flight plan.

20. (Previously Presented) A method according to Claim 19, wherein the textual display displayed in said displaying step further comprises performance data for waypoints that are added to the modified flight plan.

21. (Original) A method according to Claim 19, wherein the performance data for each common waypoint comprises performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan.

22. (Previously Presented) A method according to Claim 21, further comprising the steps of:

changing the modified flight plan;

updating the textlist of waypoints on the textual display when the modified flight plan is changed; and

updating the performance data on the textual display for common waypoints when the modified flight plan is changed.

23. (Previously Presented) A method according to Claim 22, further comprising the step of:

designating the textual display waypoints to be removed, which

correspond to waypoints that are on the original flight plan but not on the modified flight plan.

24.   (Previously Presented) A method according to Claim 23, further

comprising the steps of:

activating the modified flight plan to become a new flight plan; and

removing from the textual display the waypoints that are designated to

be removed in said designating step.

25.   (Previously Presented) A method according to Claim 18, wherein said

displaying step further comprises simultaneously displaying a graphical display of the original

flight plan and the modified flight plan on the display device together with the simultaneous

textual display of the original flight plan and the modified flight plan.

26.   (Previously Presented) A method according to Claim 22, wherein said

displaying step further comprises simultaneously displaying a graphical display of the original

flight plan and the modified flight plan on the display device together with the simultaneous

textual display of the original flight plan and the modified flight plan,

wherein said changing step comprises changing the modified flight plan

in either the graphical display or the textual display, and

wherein said method further comprises the step of updating the

graphical display of the modified flight plan when the modified flight plan is changed.

27.   (Previously Presented) A method according to Claim 24, wherein said displaying step further comprises simultaneously displaying a graphical display of the original flight plan and the modified flight plan on the display device together with the simultaneous textual display of the original flight plan and the modified flight plan,

wherein said changing step comprises changing the modified flight plan in either the graphical display or the textual display, and

wherein said method further comprises the steps of:

updating the graphical display of the modified flight plan when the modified flight plan is changed; and

updating the graphical display to display only the new flight plan when the modified flight plan is activated in said activating step.

28.   (Previously Presented) Computer executable code for implementing a method of displaying a flight plan of a navigational system, said code for executing the step comprising: displaying a textual display of an original flight plan and a modified flight plan in the textual display portion while simultaneously displaying a graphical display of the original flight plan in the graphical display portion.

29.   (Previously Presented) Computer executable code according to Claim 28, wherein the textual display displayed in said displaying step comprises a textlist of waypoints that are on the original flight plan and the modified flight plan, and performance data for common waypoints that are on both the original flight plan and the modified flight plan.

30. (Previously Presented) Computer executable code according to Claim 29, wherein the textual display displayed in said displaying step further comprises performance data for waypoints that are added to the modified flight plan.

31. (Original) Computer executable code according to Claim 29, wherein the performance data presented for each common waypoint comprises performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan.

32. (Previously Presented) Computer executable code according to Claim 31, said code for further executing the steps comprising:

changing the modified flight plan;

updating the textlist of waypoints on the textual display when the modified flight plan is changed; and

updating the performance data on the textual display for common waypoints when the modified flight plan is changed.

33. (Previously Presented) Computer executable code according to Claim 32, said code for further executing the step comprising:

designating on the textual display waypoints to be removed corresponding to waypoints that are on the original flight plan but not on the modified flight plan.

34. (Previously Presented) Computer executable code according to Claim 33, said code for further executing the steps comprising:

activating the modified flight plan to become a new flight plan; and

removing from the textual display the waypoints that are designated to be removed in said designating step.

35.   (Previously Presented) Computer executable code according to Claim 28, wherein said displaying step further comprises simultaneously displaying a graphical display, of the original flight plan and the modified flight plan on the display device together with the simultaneous textual display of the original flight and the modified flight plan.

36.   (Previously Presented) Computer executable code according to Claim 32, wherein said displaying step further comprises simultaneously displaying a graphical display of the original flight plan and the modified flight plan on the display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said changing step comprises changing the modified flight plan in either the graphical display or the textual display, and

said code for further executing the step of updating the graphical display of the modified flight plan when the modified flight plan is changed.

37.   (Previously Presented) Computer executable code according to Claim 34, wherein said displaying step further comprises simultaneously displaying a graphical display of the original flight plan and the modified flight plan on the display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said changing step comprises changing the modified flight plan

in either the graphical display or the textual display, and

said code for further executing the steps comprising:

updating the graphical display of the modified flight plan when the

modified flight plan is changed; and

updating the graphical display to display only the new flight plan when

the modified flight plan is activated in said activating step.

38. (Previously Presented) A navigational system, comprising:

a CPU;

a flight control system that controls an airplane based on inputs from

said CPU;

a display device; and

logic for operating a graphical display portion and a textual display

portion of said display device, said logic presenting a textual display of an original flight plan

and a modified flight plan in the textual display portion while simultaneously presenting a

graphical display of the original fight plan in the graphical display portion,

wherein said CPU provides inputs to said flight control system based

on navigational data corresponding to the original flight plan that is presented on said display

device.

39. (Previously Presented) A navigational system, comprising:

a display device; and

logic for operating a graphical display portion and a textual display portion of said display device, said logic presenting a textual display of comparative data for an original flight plan and a modified flight plan in the textual display portion while simultaneously presenting a graphical display of the original flight plan in the graphical display portion.

40. (Previously Presented) A navigational system according to Claim 39, wherein the comparative data comprises a textlist of waypoints that are on the original flight plan and the modified flight plan, and performance data for common waypoints that are on both the original flight plan and the modified flight plan.

41. (Original) A navigational system according to Claim 40, wherein the performance data for each common waypoint comprises performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan.

42. (Original) A navigational system according to Claim 41, further comprising:

an interface device that allows an operator to change the modified flight plan,

wherein said logic updates the comparative data on the textual display when the modified flight plan is changed.

43. (Previously Presented) A navigational system according to Claim 42, wherein said logic designates the textual display waypoints to be removed, which correspond to waypoints that are on the original flight plan but not on the modified flight plan.

44. (Previously Presented) A navigational system according to Claim 43, wherein, when the modified flight plan is activated to become a new flight plan, said logic removes from the textual display the waypoints that are designated to be removed.

45. (Previously Presented) A navigational system according to Claim 39, wherein a graphical display of the original flight plan and the modified flight plan is simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan.

46. (Previously Presented) A navigational system according to Claim 42, wherein a graphical display of the original flight plan and the modified flight plan is simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said interface device allows an operator to change the modified flight plan on either the textual display or the graphical display, and

wherein the graphical display of the modified flight plan is updated when the modified flight plan is changed.

47.   (Previously Presented) A navigational system according to Claim 44, wherein a graphical display of the original flight plan and the modified flight plan is simultaneously presented on said display device together with the simultaneous textual display of the original flight and the modified flight plan,

wherein said interface device allows an operator to change the modified flight plan on either the textual display or the graphical display,

wherein the graphical display of the modified flight plan is updated when the modified flight plan is changed, and

wherein, when the modified flight plan is activated to become a new flight plan, the graphical display is updated to display only the new flight plan.

48.   (Previously Presented) A navigational system according to Claim 38, wherein a textual display presented by said logic comprises a text list of waypoints that are on the original flight plan and the modified flight plan, and performance data for common waypoints that are in both the original flight plan and the modified flight plan.

49.   (Previously Presented) A navigational system according to Claim 1, wherein said logic produces a textlist by merging the original flight plan and the modified flight plan, with the textlist displaying waypoints that have been added in the modified flight plan and waypoints that are removed from the original flight plan, and the textlist being displayed on the textual display portion of said display device.

50.   (Previously Presented) A navigational system according to Claim 1, wherein the modified flight plan is a pilot-created flight plan achieved by changing waypoints on the original flight plan.

51.   (Previously Presented) A navigational system according to Claim 1, further comprising logic that simultaneously presents a textual display of an original flight plan and a modified flight plan in the textual portion while graphically displaying the original flight plan and the modified flight plan.

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